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Stephen R. Loe Law Office of Stephen R. Loe P.O. Box 649 Frisco, TX 75034			MOUZON, LAJUANIA N	
			ART UNIT	PAPER NUMBER
			2153	
			NOTIFICATION DATE	DELIVERY MODE
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/827,056

Applicant(s)

NIELSEN ET AL.

Examiner

La Juania N. Mouzon

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 332 (pg. 11 line(s) 29. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the properties file is a spreadsheet (claims 16, 21, 26, 38, 44, and 50) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities: pg. 8 line(s) 14 should read, "...correct and current ~~the~~ web site ..."

Appropriate correction is required.

4. The disclosure is objected to because of the following informalities: pg. 17 line(s) 21 should read, "...receiving 'page ~~no~~ not found..."

Appropriate correction is required.

5. The disclosure is objected to because of the following informalities: pg. 20 line(s) 15 "described" is spelled wrong, descried.

Appropriate correction is required.

***Claim Objections***

6. Claims 28, 30, and 32 objected to because of the following informalities:

Remove semicolon and add comma. It should read, "... embedded link by a user; , sending link..." Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 5-8, 18-22, 30-31, and 40-45 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As defined in the specification a computer readable medium can be a transmission medium such as a digital and analog communication links (pg. 21 line(s) 4-5).

8. Software, per se:

The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be

realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.").

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-15, 17-20, 22-25, 27-37, 39-43, 45-49, and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Reznick (US PGPub 2003/0014539).

10. In regards to claims 1, 5, and 9 Reznick discloses, a computer program product in computer readable media for use in data processing systems, a system, and a method for directing a recipient of an e-mail to a web site, the method comprising:

- a. creating an e-mail with an embedded link (**Fig. 1 #102 and ¶0025 line(s) 11-14**), wherein the embedded link comprises a link to a redirect server (**Fig. 1 #106**) and link attributes that allow the redirect server to determine a current web site associated with the embedded link (**¶0026, teach that the link directs the user to a redirection server and has XID code (link attributes) that allows for the server to determine the desired destination site.**);
- b. sending the e-mail to a recipient (**¶0026 line(s) 5-8, teach the XID code is also used to identify the media source (Fig. 1 #102, banner ad, text link,**

**HTML encoded e-mail, Etc.) used. Therefore it is inherent that an email is sent to a recipient to identify the media source of HTML encoded e-mail.);**

c. receiving the e-mail at the recipient's data processing system (**¶0049 line(s) 5-7, teach the user identifying a creative of interest at their system.**

**Therefore, it is inherent that the user received an email at their data processing system.);**

d. responsive to the recipient selecting the embedded link, sending link attributes from the recipient's data processing system to the redirect server; receiving the link attributes at the redirect server (**Fig. 1 and ¶0049 line(s) 7-12, teach after the user selects the link, transmitting the request the XID code #103 (link attributes) to the XID processing engine (#108) on the server (#106, redirection server), and the server receiving the XID code.);**

e. determining, at the redirect server, the universal resource locator for the current web site associated with the embedded link (**Fig. 3 #302-310 and ¶0053);**

f. sending the universal resource locator from the redirect server to the recipient; and retrieving, at the recipient's data processing system, the contents from the current web site utilizing the universal resource locator received from the redirect server (**Fig. 1, Fig. 3 #308, and ¶0027 line(s) 9-10, teach the redirecting the user to the destination website (#118 redirection web page).**

**Therefore, it is inherent that once the redirection occurs that the user is**

**sent the link and the webpage (#118 redirection web page) displays the appropriate contents from the URL received from the redirect server #106.).**

11. In regards to claims 2, 6, 10 Reznick discloses, wherein link attributes and associated universal resource locators corresponding to the link attributes are contained in a link attribute properties file which may be accessed by a redirect server to determine the universal resource locator for the web site associated with the link attributes received from the recipient (**Fig. 9 and ¶0072, teach the target code #902, which is part of the XID code #103 (link attribute), is associated with URL #904 in the system database #112 (link attribute properties file) that the redirect server #106 has access to.**).

12. In regards to claims 3, 7, 11 Reznick discloses, wherein the link attribute properties file may be updated to contain the most recent universal resource locators as necessary (**Fig. 5 #504 and ¶0067 line(s) 6-14, teach the administrator has rights to update/edit the URL as necessary.**).

13. In regards to claims 4, 8, 12 Reznick discloses, wherein the link attributes comprise a key and the link attribute properties file contains key/universal resource locator pairs allowing the redirect server to search a key and retrieve an appropriate corresponding universal resource locator (**¶0040-0046, Fig. 9, and ¶0072, teach the XID code #103 (link attribute) is a combination of several other codes (keys), including a target code #902 (key) that is associated with the URL, in the system**



**database #112 (link attribute properties file) to allow the redirect server #106 the ability to match the URL.).**

14. In regards to claims 13, 18, and 23 Reznick discloses, a computer program product in a computer readable media for use in a data processing system, a system, and a method for creating and sending an e-mail with embedded links, the method comprising:

- g. creating an e-mail (**Fig. 1 #102 and ¶0025 line(s) 11-14**);
- h. embedding a link to a redirect server (**Fig. 1 #106**) in the e-mail to create an e-mail with an embedded link, wherein the link to the redirect server comprises link attributes (**Fig. 1 #103**) enabling the redirect server to determine a current location for a web site for which it is desired that a recipient of the e-mail with an embedded link visit (**¶0026, teach that the link directs the user to a redirection server and has XID code (link attributes) that allows for the server to determine the desired destination site.**);
- i. sending the e-mail with an embedded link to a recipient (**¶0026 line(s) 5-8, teach the XID code is also used to identify the media source (Fig. 1 #102, banner ad, text link, HTML encoded e-mail, Etc.) used. Therefore it is inherent that an email is sent to a recipient to identify the media source of HTML encoded e-mail.**).

15. In regards to claims 14, 19, 24 Reznick discloses, wherein the link attributes comprises a key wherein the key corresponds to a key maintained in a properties file

which associates web site locations with keys (**¶0040-0046, Fig. 9, and ¶0072, teach the XID code #103 (link attribute) is a combination of several other codes (keys), including a target code #902 (key) that is associated with the URL, in the system database #112 (link attribute properties file) to allow the redirect server #106 the ability to match the URL.**)

16. In regards to claims 15, 20, 25, 37, 43, and 49 Reznick discloses, wherein the web site location is a universal resource locator (**Fig. 9 #904**).

17. In regards to claims 17, 22, 27, 39, 45, and 17 Reznick discloses, wherein the properties file is a database (**Fig. 1 #112 and ¶0072 line(s) 10-13**).

18. In regards to claims 28, 30, and 32 Reznick discloses, a computer program product in a computer readable media for use in a data processing system, a system, and a method for retrieving a web site associated with a link in an e-mail, the method comprising:

j. receiving an e-mail with an embedded link (**¶0049 line(s) 5-7, teach the user identifying a creative of interest at their system. Therefore, it is inherent that the user received an email with an embedded link.**);

k. responsive to selection of the embedded link by a user; sending link attributes contained in the embedded link to a redirect server indicated by the embedded link (**Fig. 1 and ¶0049 line(s) 7-12, teach after the user selects the link, transmitting the request the XID code #103 (link attributes) to the XID**

**processing engine (#108) on the server (#106, redirection server), and the server receiving the XID code.);**

- l. receiving a web site location from the redirect server;
- m. retrieving content from the web site location **(Col. 7 line(s) 9-15, teach opening/presenting the web site/page. Therefore, it teaches retrieving content.).**

19. In regards to claims 29, 31, 33, 36, 42, and 48 Reznick discloses, wherein the link attributes comprise a key **(¶0040-0046, teach the XID code #103 (link attribute) is a combination of several other codes (keys).).**

20. In regards to claims 34, 40, and 46 Reznick discloses, a computer program product in a computer readable media for use in a data processing system, a system, and a method for redirecting an e-mail recipient to a current location of a web site associated with a link embedded in the e-mail, the method comprising:

- n. receiving link attributes from a recipient **(Fig. 1 and ¶0049 line(s) 7-12, teach after the user selects the link, transmitting the request the XID code #103 (link attributes) to the XID processing engine (#108) on the server (#106, redirection server), and the server receiving the XID code.);**
- o. determining a location for the web site associated with the link attributes **(Fig. 3 #302-310 and ¶0053);**

p. sending the location for the web site associated with the link attributes to the recipient (**Fig. 1, Fig. 3 #308, and ¶0027 line(s) 9-10, teach the redirecting the user to the destination website (#118 redirection web page). Therefore, it is inherent that once the redirection occurs that the user is sent the link when retrieving the web site #118.**).

21. In regards to claims 35, 41, 47 Reznick discloses, wherein determining a location for the web site associated with the link attributes comprises consulting a link attribute file that contains attribute location pairs (**¶0053 line(s) 9-15, teach determining the location which is based on a target code #902, which is part of the XID code #103 (link attributes), in the system database #112 (link attribute file).**).

### ***Claim Rejections - 35 USC § 103***

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

24. Claims 16, 21, 26, 38, 44, and 50 rejected under 35 U.S.C. 103(a) as being unpatentable over Reznick (US PGPub 2003/0014539).

25. In regards to claims 16, 21, 26, 38, 44, and 50 Reznick discloses, wherein the properties file is a spreadsheet (Fig. 1 #106, displays several databases, that it would have been obvious to use a spreadsheet to contain the information included in the databases for ease of linking and retrieving requested information.).

### ***Conclusion***

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Keohane et al. (US PGPub 2005/0091401) selective mirrored site accesses from a communication.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to La Juania N. Mouzon whose telephone number is 571-270-3045. The examiner can normally be reached on Monday - Friday 8:00-5:00, 1st Fridays off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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